

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
v.	)	4:11-CV-00395
	)	
CONVERGYS CORPORATION,	)	
Defendant.	)	
	)	
_____	)	

**JOINT PROPOSED DISCOVERY PLAN AND SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, the parties held the Rule 16 conference. Laura Jordan counsel for Convergys, and Dayna F. Deck, counsel for Equal Employment Opportunity Commission, propose the following schedule:

In accordance with Rules 16(b) and 26(f), Fed.R.Civ.P. the parties have filed a joint proposed discovery plan and scheduling order to be approved by the Court. The following time schedule is herewith proposed with respect to pretrial discovery, the joinder of additional parties, amendment of the pleadings, the filing of motions, and certain additional matters:

1. All pretrial discovery shall be completed by March 30, 2012.
2. All written discovery shall be served at least 33 days prior to the close of discovery.
3. The parties do not believe a protective order will be necessary in this case, unless Plaintiff requests applicant or employee files or data.

4. The parties will provide their initial Rule 26(a) disclosures by August 19, 2011.
5. Any motion to compel discovery shall be filed by April 1, 2012
6. All motions to amend pleadings or to join additional parties shall be filed on or before October 31, 2011.
7. All dispositive motions shall be filed on or before April 30, 2012.
8. Disclosure of Expert Testimony:
  - a. Plaintiff shall disclose all experts, if any, retained to provide testimony at trial and provide expert report(s) required under Rule 26(a)(2)(B) on or before December 31, 2011.
  - b. Defendant shall disclose all experts, if any, retained to provide testimony at trial and provide expert report(s) required under Rule 26(a)(2)(B) on or before February 15, 2012.
  - c. All expert depositions shall be completed by March 30, 2012.
9. Any requests for physical or mental examination pursuant to Rule 35 shall be made by December 31, 2011. The examination(s) shall be completed by January 31, 2012.
10. The parties have come to the following agreement regarding ESI:

The parties do not anticipate the claims or defenses will involve extensive electronically stored information. To the extent there is any discovery concerning ESI, the parties may disclose/produce ESI in hardcopy or static form (e.g., .pdf or .TIF), thereby allowing documents produced to be indexed and individually marked through "Bates" stamping. Consistent with the Federal Rule of Civil Procedure 34(b)(iii), the parties will presumptively need not produce the same ESI in more than one form; however, after the production of ESI in a hardcopy or static form, the parties may request disclosure of metadata or native files for particular documents

where good cause has been demonstrated, e.g., when the original creation date of a document is at issue and disputed, or when a static image is not reasonably usable, e.g., when a .pdf image is unable to capture/display all column/information contained in a spreadsheet such as an Excel file.

The parties agree that there shall not be any waiver of the attorney-client privilege, work product doctrine, or any other privilege should there be an inadvertent disclosure of privileged information contained in electronically stored information produced in response to a discovery request.

11. Both parties will be permitted the following discovery with the prescribed limitations thereon:

- a. Maximum of 25 interrogatories, including discrete subparts, by each party to any other party;
- b. Requests for production of documents;
- c. Requests for admissions;
- d. Other forms of discovery as permitted by Federal Rules of Civil Procedure.

11. The parties believe the case should be ready for trial in September 2012. The trial should last 3 days.

Respectfully submitted,

/s/ Dayna F. Deck

Dayna F. Deck  
Attorney for EEOC

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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